App. F. IX-4

Previous References

1929. (Mazrai)

File No. 111 – 29

Serial Nos. 1 – 6.

Later References

Mazr Dis 2 58 – 30

Jan 52-30 – 1/2

General and Revenue Secretariat.

Serial Nos. 6.

Part B for February 31.

SUBJECT.

Restoration of certain lands to Sri Anjaneya Swami temple at Kumbalur. Honnali Taluk

---

To the Mazr Court
in G.O. Dhanuja

No. 1840-1 R. 20-2-31

Recorded the communication

G. R. S. APP F. III—4-1] 192 9.

GENERAL AND REVENUE SECRETARIAT.

(Muzhai

NOTES.

File No. 111-29

FILE HEADING.

Registration of certain Cands &c — Sri Anjaneya Swamy temple at Kumbakonam, Nannali Taluka

FROM Mr. G. Krishnamachar, BVL.,

No. Notice Dated Received 5.10.29

Diary No. 667	Enclos. —	Spare copies	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Complains against the registration of a plot of land in the possession and belonging to, the said client Samaraya Venkatarama, to the said institution.

NOTES AND ORDERS.

Final Secy's order — Refs at once.

1) The petn states that the final order passed in revision was by the Hon'ble who declined to interfere with the D's order, and does not say whether he took up the matter in appeal & fore

NOTES—First Sheet. No refs are readily available.

WD 01683—GPB—5 000—3-5-29

General and Revenue Secretariat

Mg File No. 111 of 1929

Serial No.

3 A Off. calling for the M.C's report, in Submr for appl. a order.

AV 5/10/29

Mg 5/10

4 Despatched from Camp

8/10

2 Do The Insp Coorg C No 81 5/8-10-29 Do as 1 + calling for the medical report.

3 2A From the Dy C. Letter no. 612 Dy 24-10-1929

Submits Copies of orders passed by him, and The D°, Sawyer explaining the facts of the case. It will be seen from these orders that Sameraya Venkata Rao of Kumbalur, has encroached upon the land belonging to Sri Hanumanda Devara temple at the place by enclosing it by a Compound wall, that this land is necessary for use of the temple on festive occasions, and that the petr's. eviction and the removal of the compound wall has been ordered. Against this order, he has issued a notice to sue the D.C. praying

Note—Contn Sheet

Serial No.

to Submit the Verm. records.
The receipt of which may perhaps, be awaited
Submitted
AN
25.10.29

50/24 28/10

UW 25/10 6. The record have the defendants if placed before a Court of law for which the Revisor will be committed after records are received.
Yes)
DN 26/10

7) Is not an appeal hereby against the party, not satisfied with the Mlo's decision?
L 28/10/29

8 No doubt an appeal lies hereby against the order of the Magistrate. But the party has not chosen to come up hereby in appeal and it seems unnecessary for hereby to apply to the party to appeal hereby or for hereby to take up an appeal when the party has preferred to go to a Court. The Court might hereby set aside the case on the ground that the party has not exhausted his remedy open to him. The Revisor has asked for the records (vide hereby file dated 25/10/29)
Yes 10 Illegible and to Publication Bn
28 25/10

9) This was not my idea at all. I wanted to know the legal position.

5142 29/10

Noted—Contn. Sheet

1684

App. F. III—2]

General and Revenue Secretariat | File No. 111 of 1929.

Serial No.	
3	Letter no: C 612/29-30 dated 16.4.30 From the Munz. Comm. forwards the vernacular records recd and says that he does not see any reason to revise his opinion recorded on 9.8.1929.

(Office note-Retention.)

11) "The records file was sent to the Prov. Br on 30.10.29."

12) "It may this be sent there is Continu

Sp. 2/4 of 29 Sept. Comp. order

13) '9/5' Jun. Files

14) Sup. i.e. Prov. Br. with the records

Sp. 2/4

15) If approved, a copy of the D.C's note in the civil file (Law 6 j-29) will be kept in the file— which will be placed in Sup' till the case is disposed of. The pl may have the record from Prov. Br. when applied for by the Counsel

16) After the case is finally disposed of the records will be sent to the Prov. Br. for the record

mskr

18

Note—Contn Sheet

File No. Law 49 of 1929.

1. In the linked file sent by the Muzrai branch, it is seen that the vernacular records are not yet received. The main point in dispute, for which a suit is threatened is about the title to a certain piece of land which the Muzrai Authorities have held to belong to the temple, but which the petitioner claims as his own. This is a matter for decision in a Civil Court, whose jurisdiction in such questions is not in any way taken away by the Reg. VII of ~~1~~ 1927. In this view the threatened suit may have to be defended, since it is clearly held by the D.C. that the contentions of the petitioner are not well founded

2. Another point is raised in the linked file and that is about the effect of the petitioner rushing to Court without having appealed to the Government from the order of the Muz. Commr., since under Sec.37 Cl. 2 of Reg. VII of 1927 an appeal lies to Government from every order passed by the Muz. Commr. under the Regn. But there is nothing in the Reg. VII of 1927 similar to Sec. 225 L.R. Code which makes it obligatory on a person to exhaust all the remedies open under the Regn. before he takes up the matter to the Civil Court.

3. If however, the order of the Deputy Commr. is construed to be one passed under Sec. 37 of the Land Revenue Code, then Sec. 225 will apply and the suit can be thrown out on the preliminary point.

4. It is for orders whether the threatened suit be consequently awaited and defended.

Yes.

Intd. P.M. 7-5-30.

* C O P Y *

C.R.G.2.

1929 Sep 7

App. F. III—2]

General and Revenue Secretariat | File No. 111 of 1929.

Serial No.

22nd Post: Br: to kindly take the Limited Dan 1.9.29 and return this with Compliments

The file is submitted 19/5/30

GOVERNMENT OF MYSORE

General and Revenue Secretariat

A visitor desiring to see any officer is requested to send up his name, stating the nature of his business

Name Nadiga Gurappa
Kumbalur Honnali Tk

Whom he wishes to see
Secretary Muzrai

Business
Re His petition about Certain Land Connected to Hanuman Temple at Kumbalur

The limited file is retained & they is returned with compts to the Mur Br

Supdt 2 Mur Br

on dated 19 5 30 from the Nadiga ppr. Stating that one Mr. Sameray, rao has been in adverse possession annari No: (1)+(2) of the temple of Anjaneya swami. Kumbaloor, Honnali & that he is purposely evading ors of the S'DO. Die & Muz. Commrs to the removal of the wall & of him causing inconvenience to the Car festival of the Sree Anjaneya swami & requesting that he may be favoured with an endt: as to how the matter has been disposed of by Govt

Asst: Secy's remarks.

24) "Please work this n/s"

Fls. 5
1915

Note—Contn Sheet

WD 066—GPB—80,000—26-7-29

Serial No.

14916
2/5

25) May the petitioner be informed that the suit intended to be filed by Mr Venkata Rao is awaited? for orders.
To Sth Law Sett may perhaps be consulted
2/5

26. The party says Mr. Mr. threatened suit has not been filed even though the notice period is over. This may be sent to Mr Sastry for disposal party informed of this.
R Levy.
26/5

27 To Prakasam for remarks
2
2/6/30
21

28 The orders passed by the Revenue authorities can be said to be under Sec 37 of the Land Revenue Code dealing with encroachments upon property belong to Govt - The D.C. can therefore take further action under the section by ~~the~~ ordering the removal of the obstruction -

29 The party has no doubt given notice of suit but he may perhaps not file it, till his possn is disturbed or threatened to be disturbed ~~things~~ execution of orders passed by the Revn: Authorities need not await the institution of the threatened suit and may be pushed through till duly prohibited by means of proper injunction orders obtained from the Court by the party concerned.
5/6

WD 01684—GPB—30,000—29-1-29

6.6.30 J.R.

Land Revenue Secretariat — Muz File No. 111 of 1929

Serial No.

1951 Laws

30 An order was issued by the A.C., under the Land Rev: Code seems to have been dealt with by the Rev: Court on appeal and the Magistrate's order, owing to some confusion.

31 Instructions may now be sent to the A.C. to proceed to take action under S.37 of the Rev: Code so as to bring S.225 into operation and assist the jurisdiction of the civil Court

D. M. 20/6

subject to the above.

13/6

32 The above opinion may be communicated to the M.C for any further action.

(Mr. Mendis)

15/6/30

33. Mr. Mendis, 15/6/30

34. Subd with a draft.

T S 11812 18/6

35) 20/6

4 To The Muz. Comm.

No: 2944 dated 23-6-30.

Stating that the D.C Chilaw may be directed to proceed to take action under Sec. 37 of the Rev: Code so as to bring sec: 225 into operation & calling for a report of action taken.

OFFICE ... FIRST MEML 15 JUNE 1930 No. 15211

Note Cover Sheet

27/6/30

WD 01684—GPB—30,000—20-4-29

9795/29
5/1463/30
5-5672

General and Revenue Secretariat | File No. 111 of 1929.

Serial No.

Letter No. 612 / 29-30 dated 30-12-1930 from the Mysore Commissioner stating that the Deputy Commissioner, Shimoga had directed the Amildar to report action taken to evict Sameraya Venkataraya from a piece of land belonging to the Sri Anjaneyaswami temple at Kumbalu Honnali Taluk and in the mean-called for the Records in connection with the defence of O.S. No. 3/30-31 on the file of the Dt. Judge, Shimoga filed by the party ejected

36) Submitted for perusal. Orders were issued on 23-6-30 as per paras 30 ult. and on 30th Oct 30, the Sub Division Officer, Shimoga reports that no report had been received from the Amildar. Meanwhile the party has gone to Court and on the requisition of the Public Prosecutor the records were called for from the Amildar

Asst 2/1/31. H. Lecy) 5.1.31

1st Assistant Mysore Resident)

5/1/31

Chief Secy

Hon'ble Member

8/1,

9/1/31

WD 02328—GPB—10,000—22-4-30

5380

OFFICE OF THE THIRD MEMBER OF COUNCIL
13 MAR 1931
N 3626.

Mr. T.S.D
Please put up the file relating O.S. 3 of 30-31 Dt. Ct, Shimoga.
6/1
Reminded up-
6/1

Note—Contn. Sheet

Letter dated 12-1-31 from the Mr. forwarding D.C's letter that it would be better to defer demolishing the wall till Civil suit is decided.

We want Judicial opinion now in the C. Court should be made by 1 affidavit in case Civil Court decides against.

1993 (1929) 5146/82 7/5 0993

Mus File No 111 of 1929 | General and Revenue Secretariat

Serial No.

42) The file may, if approved be sent to the Law Secretariat with reference to para 40 and the later Communication from the Mugrai Commissioner regarding the demolition of the wall for further advice and instructions to the PP.

BK 3/1/31. (12) Law Secty) 23.1.31.

43) In the circled file, the draft written statement from the PPr, Shimoga is being awaited - The point referred to in the member's minute, para 40 above, will be taken up in defence - (Vide the Law Collection ~~Notice file~~ placed in the linked file).

44) For perusal & return of the linked file -

Mus Branch) 45) 23/1/31

Submitted for perusal and orders on P.W.D. 2 if any

BK 26/1/31 H. Secy) 47) 26.1.31

48) 26/1/31

5900 26/1

To Law Secty

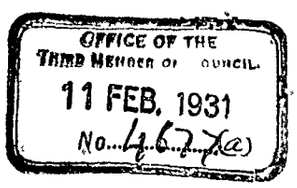
27/1/31 for Rev Secy) The linked file & the returning letter

Note–Contn. Sheet

Law Sec 1-30-1

Land Revenue Secretariat | File No. 111 of 1930.

Serial No



Linked file taken and the Mug Bv with Compts.

To

The Mug Bv with Compts.

TSD
29/1

29/1

To orders in the Correspondence ending with letter dated 7-12-1 [illegible] may be recorded returning the enclosure received therewith.

Yes. Please proceed as suggested.

30/1

& Sd

5/2

H. Lacey

10.2.31

3rd member

6/2

Issue

14.2.31

6 | G.O. No. 1840-41 dt. 20.2.1931 recording the Correspondence ending with letter

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

Mus File No. 111 of 1929

Gene
Secr

20612 of 1929-30 of 12-1-31 from
The Museum Commissioner
Enclosures required in para 2
of letter No 612/29-30 of 30/12/30
from the M.C have been returned
vide returning the same subd
25/1/31
673

Issue
Ver
6.3.31

No 1766 of 10-3-31 of the Museum
Enclosures returning enclosures
received with the same

Close this Museum
Keep in Personal Shelf
18/3/31.

G. Krishna Iyengar, B. A., LL. B.
ADVOCATE.

&

A.H. GURUSHANTHAPPA, B.A., LL.B.,
Advocate.

-oOo-

IMMEDIATE.

Shimoga,

30th Septr. 1929.

To The Secretary to Government of Mysore. Muzarai Department. Bangalore

5.10.

D. No. 601

Refer at once

Sir,

We are instructed by our client, Venkatarao, aged about 42 years; Somerayara Caste; Land-holder, Resident of Kumbalur, Honnali Taluk, Shimoga District, to issue this notice to you, as required to be served upon you under Section 80 of the Civil - Procedure Code before taking the matter before a competent Civil Court; and we hereby do so and request you to kindly reconsider your legal position in regard to the matter in dispute, which we have set out in the annexed plaint. If, within two months from the date of delivery of this notice to you, the matter in question is not set right, we are instructed to file the plaint in a ✗ competent Civil Court to enforce the legal claims that our client has in regard to the matter in controversy. We have herein annexed the copy of the nature of plaint we are going to file in Court. If the compound walls are pulled down, we claim - damages to an extent of Rs.300/-; so we request you not to demolish the compound walls, pending disposal of this suit.

Yours faithfully
G. Krishna Iyengar

PLAINT.

IN THE COURT OF THE DISTRICT JUDGE, SHIMOGA.

O.S.No. of 1929-30.

PLAINTIFF:-

PLAINTIFF:- Venkatarao; aged about 42 years; Somerayara Caste; Land-holder; Resident of Kumbalur, Honnali Taluk, Shimoga Dt.

V/s.

DEFENDANTS:- 1. The Secretary to Government of Mysore; Muzarai Department; Public Offices, Bangalore;

1(a). Muzrai Commissioner in Mysore, New Public - Offices, Bangalore;

1(b). Deputy Commissioner, Muzarai Department, Shimoga;

1(c). Tirthahalli Sub Division Officer, Shimoga;

and 1(d). Amildar, Honnali.

1E The Chief Secretary to Govt of Mysore Bangalore

Under Section 80 ~~to~~ order 7 R.4. of the Civil Procedure Code,

the above-named plaintiff begs to file this plaint for Judgment and decree:

1. That there is a plot of land described fully in the Schedule below, in the Kumbalur Village of Honnali Taluk, Basava-patna Magani, Shimoga District. The said plot of land belongs to the plaintiff. The plaintiff and his ancestors were in exclusive possession of the Schedule property for over 60 years in their own right as full owners thereof. ~~TH~~ in exercise of the right of their ownership over the schedule land the plaintiff's ancestors had put up compound walls on all the sidesof the Schdule property. The land in question does not belong to Sree Anjaneya Temple of the Kumbalur village as alleged by the defendants; nor does it belong to Government.

Such

Such being the case, on or about the year 1923, at the instance of the plaintiff's enemies, records were made by the Revenue Authorities to the effect that the plot of land in -- question belonged to the Anjaneya Temple. The Tirthahalli Sub Division Officer ordered that the compound walls on the suit land should be demolished and possession of the said land to be taken for and on behalf of the Sree Anjaneya Temple. The plaintiff went in appeal against this order to the Deputy Commissioner who confirmed the order of the Tirthahalli Sub Division officer. This order was taken in revision to the Huzarai -- Commissioner who declined to interfere with Deputy Commissioner's order.

The present position is therefore, that by the order of the defendants, the plaintiff's suit land is about to be taken out of his lawful possession and the compound walls standing on the plot of land are about to be demolished causing loss to the plaintiff to an extent of Rs300/-.

Since the land in question never belonged to the Sree-Anjaneya Swami Temple, since the plaintiff is the exclusive and lawful owner thereof, the defendants have no right in law to disposses the plaintiff of the suit land and to demolish the compound walls thereon. The plaintiff claims the land in question as his own.

Cause of action for this suit arose finally on and after 2-9-1929 in Kumbalur within the jurisdiction of this Hon'ble Court.

Reliefs:

R E L I E F S:-

That since the plaintiff is the owner of the suit schedule land, the defendants be permanently restrained from interfering with the peaceful, exclusive possession of and enjoyment by the plaintiff of the suit land, as lawful owner thereof.

2) If, by the time the suit is filed, the plaintiff is dis=possessed of the suit land, possession of the same may be ordered to be given back to the plaintiff together with an order perpectually restraining the defendants from interfering with plaintiff peaceful possession and enjoyment of the suit land.

If the compound walls are pulled down by the date of filing this suit, the defendants may be ordered to pay to the plaintiffs damages to an extent of Rs.300/- together with costs of the suit, subsequent interest.

S C H E D U L E.

The plot of ground measuring 56½ ft by 22 ft forming the backyards of Khanesamari numbers 166 & 167 houses with boundaries to the East:- Government land; West:- Govt. Road North:- Government Road; To the South:- Khanesa mari Numbers 166 & 167 houses in the Kumbalur village of Basavapatna magani of Honnali Taluk. Shimoga

G. Krishna Bangar
Advocate for Pltf

Appendix F G—1

SUBJECT.....

Section Army

File No. 1103 29

Diary No. of letter replied to.....

Serial No. 2

No. 31/Encl

General and Revenue Secretariat

( )

the 192

To

The Tr

Date of issue 8th Oct: 1929

Signed by Mr B Srinivasa Iyengar

Sir,

I am directed to forward herewith (for original) for an immediate Report on the facts of the case, notice no. 601 from Mr G. Krishniengar, Adv on behalf of his client Sameraya Venkata Rau of Kumbalur, Honnali Taluk, Complaining against the Registration of a plot of land belonging to and in the possession of

List of enclosures.....

Copied by.....

Examined by.....

over

the said Venkata Rao,
for the benefit of
Sri Anjaneya Swamy,
temple at the place.

The words may be returned.
I have etc. with your reply

lww

29-81

IN MYSORE,

Camp Mysore,
Dated, ~~Bangalore~~ 16th October 1929.

26
Muzrai
D. no. 690

FROM RAJAKARYA PRAVINA
P. G. D'SOUZA, ESQ., B.A., B.L.,
muzrai ~~Revenue~~ Commissioner in Mysore.

To Financial
The ~~Chief~~ Secretary to the Government
of His Highness the Maharaja of Mysore,
Camp Mysore. ~~*Bangalore*~~

By 25-10-29

1930

Muz 111-29-2 A.

SIR,

With reference to your letter No.31 dated the 8th instant forwarding for report the notice sent by Mr. G. Krishniengar, Advocate, Shimoga on behalf of his client Someraya Venkat Rao of Kumbalur, in re his eviction from a plot of land belonging to Sri Anjaneyaswami Temple of the place and in the possession of the said Venkat Rao, I have the honour to submit herewith a copy of this office order confirming the Shimoga Deputy Commissioner's order disallowing the petitioner's claim to the land. The facts of the case are contained in great detail in the Deputy Commissioner's order, copy of which also is herein enclosed. The vernacular records pertaining to the case have been called for from the Deputy Commissioner and will be forwarded immediately on receipt.

A

B

I have the honour to be,

S i r,

Your most obedient servant,

Muzrai Commissioner.

28/10

In the Court of the Muzrai Commissioner in Mysore,

Dated Bangalore, 2nd September 1929.

Appeal No.58 of 1928-29.

Appellant:-- Somerayara Venkat Rao of Kumbalur village, Honnali Taluk, Shimoga District.

Respondent:-- Nadig Giriappa, Dharmadarsi of the temple of Sri Hamuranthaswamy temple in the village.

Subject.

Appeal against the order of the Deputy Commissioner, Shimoga District, rejecting the claim of the appellant to Survey No.1 in the village and directing his eviction from the land that he had encroached upon by enclosing it by a compound wall and the reservation of the same for the use of the temple on festive occasions.

Facts of the case.

The encroachment of government land Survey No.1 in the Khaneshmari accounts of 1895-96, by the appellant and his ~~brothers~~ ~~---~~ persons as brought to notice on an enquiry taken in 1927-28.

1. Hanmara Malappa.
2. Somerayara Thimmappa (Paternal uncle of No.3).
3. Somerayara Seenappa.

The latter individual removed the wall as per orders while ~~xxx~~ the others persisted in their contention that the portion encroached upon belonged to them having been acquired by purchase long back. In the enquiry of the villagers on 14th December 1928, they stated that a portion of temple land had been encroached upon by the appellant and a compound wall put up some 4 years back, and that its reservation was necessary as this piece of land was required for public use during Rathotsava. The appellant and his undivided brother Seenappa could not produce any documentary evidence in support of their claim to the land which he says was enclosed by a compound wall some ~~xxxxx~~ 40 years back. The Amildar, Honnali, after examining the Khaneshmari accounts reported that the contention of the appellant was untenable and that there was no

that the land in dispute belonged to the temple. The Sub Divi Officer agreeing with the Amildar directed the removal of the compound wall put up on the encroached Government site. The appellant appealed against this order to the Deputy Commissioner who after hearing him and examining the records rejected the appellant's claim. The present appeal is against this order. The appellant ~~was~~ with his Advocate and the respondent on behalf of the temple were heard.

Order No.D(1).Dis.54/29-30. dt 2-9-1929

I cannot accept the contention of the appellant that the site belongs to him or that the wall is ancient.

The appeal is rejected.

(Sd). P.G. D'SOUZA.
Muzrai Commissioner.

" C o p y "

For Muzrai Commissioner.

In the Court of the Deputy Commissioner, Shimoga District.

Present:-- B.T. Kesavicngar, Esq., B.A., Deputy Commissioner, Shimoga District.

Muzrai Appeal No.P.J.794/26-27.

Appellant:-- Samerayara Venkata Rao of Kumbalur village, Honnali Taluk.
(Mr.T.G. Narayana Iyengar, Advocate).

Respondent:-- Government. (Nadiga Giriyappa Dharmadarsi of the Temple at Kumbalur).

This is an appeal against the order of the Sub Division Officer, Thirthahalli, directing the demolition of the compound wall put up by the appellant on the Government land intended for Rathotsava and other purposes connected with the Sree Hanumantha Devaru Temple at Kumbalur village in the Honnali Taluk.

Facts of the case.

A takarar list was put up in the year 1923-24 to the effect that (1) Kammar Kalappa (2) Samerayara Thimmappa (3) and Samerayara Seenappa had encroached upon Government land (ಹೊಸಮಂಠ ಹಳ್ಳಿ ಎ ಠ ಳಾ ಬಿಟ್ಟು ಸಿ ಠ ಸಂ ಅಧಿಕಸಂಖ್ಯೆ) and erected compound walls thereon, that as per orders Kalappa had removed the wall and the other two persons had not done so. The Amildar referred the matter to the Taluk Board as the village was comprised in the Village Panchayet for taking necessary steps, the Sanitary Inspector went to the spot and made enquiries in the village. He prepared a sketch of the encroached portion and the surrounding ~~portion and the surrounding plans~~ places and drew up a Mahazar. The villagers stated in the Mahazar dated 14th December 1924, that the piece of land measuring 35 yards x 10 yards to the north of Khanoshmari Nos.167, 166 and 165 was numbered as Khanoshmari number. No.1 belonging to Sree Hanumantha Devaru temple, that Seenappa and Venkata Rao (appellant) and Thimmappa had encroached upon a portion of the land viz., 56½ feet x 22 feet and put up compound walls; that it was absolutely necessary to have the walls removed from the encroached portion as the piece of land

land was required during the [illegible] that the wall was put up only about four years ago; and that the question of its removal was under correspondence, Since then. But Somerayara Thimappa stated that he had not encroached upon the Government land, that the portion of land for which compound wall was put up was his own and it was not possible to remove the wall which was put up some 40 years ago. The Sanitary Inspector submitted his report stating that no action could be taken to launch Prosecution under the village sanitation Regulation as the wall was put up more than 3 months ago; and that it was necessary to have the wall removed from the encroached portion. Then the matter was taken up in the Revenue Department. The same Patel Hanumanthappa who first ---- reported on 20-8-23 that Khana No.1 was [illegible] stated before the sheikdar on 15-3-1925 that he did not know whether the piece of land belonged to Sree Hanumanthadevaru and that the wall in question was put up 20 years ago, Gowda Basappa also said the same thing. The Sheikdar inspected the land and found that the wall in question was in a line with the wall put up by Kalappa -- which was got removed as it stood on the temple land. He reported that with reference to that wall it might be said, that the wall in question must have been put up on the temple land. Archak Venkatta Rao, the appellant stated on 14-12-1924 that the land on which the compound wall was put belonged to him and did not belong to the temple; that he did not possess any documentary evidence therefor, that there was some record filed in the Taluk office which would go to show that the piece of land as his, that the wall was put up many years ago, such a record was not available in the Taluk Office. A notice was issued to him to produce a copy of such references if he had any, He declined to take that notice and so it was served on his house on 28-3-1926. He has not produced any such [illegible] The Banjar lists of 1895-96 were looked into. It is clear therefrom that Khaneshumari Nos.1 and 2 were Sarkar lands. A shara is made therein to the effect that [illegible] The Amildar (Mr. E. Rama Row) has reported that there is no doubt -

that

(space marked A on the sketch) belongs to the temple that that the encroached portion (space marked B similarly situated was once declared as such an encroachment on the report of the Patel and when the removal of the wall around space A was in question the same Patel was not prepared to support the case as he was a great friend of Venkata Row that as the wall abuts the thorn-trampling ground (ಮುಳ್ಳು ತುಳಿಯುವ ಜಾಗ) it must be ordered to be removed as it interfers with that annual function; that the wall round space A is an eyesore and its removal would have been easily accomplished if Venkata Row were not the offender. The Sub Division Officer Thirthahalli Sub Division after going through the entire records, observed that it was clearly made out from the Khaneshumari accounts of 1895 96 and 13-14 that Khaneshumari Nos. 1 and 2 were Government land; that the owners of Khaneshumari Nos.167,166 and 165 did encroach upon the above Government land, that the takarardars had not produced any documentary evidence to show that the encroached portion belonged to them, that the wall put up in the encroached portion (marked B) was got removed as it was built on the Government land and that the existance of the wall put up by the appellant on the encroached portion caused much inconvenience especially during the Rathothsava when there would be large gathering. He accordingly passed orders on 26-8-1926 directing the removal of the wall put up on the encroached Government site. Mr. Narasimha Kamath Advocate for the appellant put in a petition to the Sub Division Officer on 13-11-26 stating that a notice was served on him to the effect that the wall should be removed and praying that the Amildar might be directed to rescind back the notice served on him. The Sub Division Officer passed orders thereon on 1-12-26 that he could not interfere in the matter as that was an appeal against his own orders. Pujari Krishnappa put in a petition to the Deputy Commissioner on 28-2-27 praying that the wall in question might be caused to be removed early before the commencement of Jatra. This was forwarded to the Amildar for needful action. The Amildar reported that the Sheikdar did not carry out the orders inspite of several reminders. The present appeal is against the order of the Sub Division Officer.

The grounds of appeal are.

(1) One Nadiga Giriyappa of the place has been the cause of considerable trouble to the Petitioner and the other -- members of his family as a result of a bitter grudge which he has entertained against the petitioner. When the Sheikdar came to pull down the wall, Giriyappa offered to the coolies tempting wages for the pulling down of the wall but yet they refused to take part in it saying that it was most unjust.

(2) This Giriyappa who has been a Dharmadarsi of the Anjaneya swami temple for the last 8 or 10 years has been the -- cause of this complaint against the petitioner with --- reference to the wall in question. He has now taken to seeing that the petitioner's compound wall is pulled down and with this object in view created contentions with reference to the site ~~site~~ on which the wall is -- standing. This was a long standing one, and before making orders to forcibly remove that the wall, the Sub Division Officer ought to have notified the matter to the petitioner and called for his explanation if any and ascertained his case and held the enquiry, if any, in his presence, without adopting any such course but on the mere complaint of Girappa and his party that this coumpound wall inconvenienced the temple procession, the Assistant Commissioner passed the order in question which brough the Sheikdar on ~~Sat~~ -- Saturday 25-6-27.

3. The existence of the wall for such a length of time was proof enough to show that the inconvence now complained of was imaginery and not real. The petitioner and his father have endowed the temple with valuable properties and yet they seem to think that the petitioner has encroached upon a bit of the temple site which is far from ~~probability~~ probability and truth.

4. The orders are clearly opposed to law and opposed to the facts. The execution of such an order create much irreparable mischief, loss and hardship to this --

this petitioner and that too in a manner, unwarranted by law.

5. The petitioner prays that the Honourable Court may call for the records connected with this matter and set aside the order of the Sub Division Officer.

The petitioner further begs that pending disposal of the appeal the execution of the — said order may be directed to be stayed under the circumstances, as the carrying out of it involves substantial loss to the petitioners which could never be adequately compensated afterwards, The appeal was admitted and orders issued to the effect that the demolition of the walls might be stayed pending orders on this petition.

It is seen from the mahazar of the villagers recorded on 5-6-1928 before the Amildar that the Khaneshumari Nos.166 and 167 formerly belonged to the Kurubar Yelur Anneppa and they were purchased by Thimmappa, grand father of the appellant and these sites bore No.162 in the year 1895-96. The original Banjar list for 1895-96 shows that the site in question contained two bits of land one in the name of Aneppa measuring 11 Y.X.11 Y and another Government land measuring 12 Y X 12 Y. The ------- Khaneshumari Nos.166 and 167 (now 174-175) measure 18½ X 21½

Order

I have perused the records in the case and heard the --- counsel for the appellant. Further information from the Amildar has also been obtained. The records clearly go to show that the appellant has no documentary proof to establish his -- claim to the land now in dispute. One of the previous Amildar (Mr. E. Rama Row) and the then Sub Division Officer have both held that the land according to the village accounts must have belonged to the temple. From an examination of the sketch enclosed in the file it appears to me that the conclusions -- arrived at by these officers are well founded. The situation of the land in dispute is such that it could not have been made over for creating private rights therein. The statements made by the villagers in this connection is conflicting and so are reports made by the Patel. The appellant states that he purchased the land in dispute from a private person and even -

evem for this alleged purchase he has no documentary proof. Nor has he produced any evidence of payment of taxes for this area. The alignment of houses in that area clearly shows that the land in dispute has been encroached upon. The present Amildar's suggestion that Kana. Nos.1 and 2 are to the North of the land in dispute cannot be accepted as according to the old Khaneshumari registers, it is seen that the dimensions given there do not tally. In his order dated 26-8-28 the Sub Divison Officer has clearly explained where exactly kana: No.1 and 2 had been situated. It is a --- significant fact that the neighbourer of the appellant has surrendered the encroached portion without demurr.

In the absence of proof ø to the contrary, I am --- satisfied that the land in dispute is Government land and required badly for the use of the temple on festival occasions. The appellant should be evicted there from and the wall --- constructed by him demolished.

Appeal dismissed.

(Sd.) B.T. Kesaviengar,

D/6-4-29. Deputy Commissioner.

"C o p y"

For Kuzrai Commissioner.

5

Br 30/10/29.

Connected file has been
to the Prot: Br. on
10/29.
May this be sent there for
confirmation.?

YB
VB
V.B.
30.4

The Supt. Prot. Br. with
compliments
23/4/30

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore, 16th April *193*

No. C 612/29-30
one, 3 files of records &c.
9 registers & this office
file No D Dis 54/29-30

FROM

Rajakaryapravina

P. G. D'SOUZA, ESQ., B.A., B.L.,

Muzrai Commissioner in Mysore.

Muz III – 29 – 3

To

Rajaseva Dharmaprasakta
V. Srinivasa Iyengar, B.A., B.L.,
Secretary to the Government of Mysore,
Finance Department.

W 49-29

SIR,

In continuation of this office letter No. 612/29-30 dated 1st October 1929 in the matter of the notice issued by Mr. C. Krishna Iyengar, Advocate, Shimoga, on behalf of one Mr. Venkata Rao, claiming a certain plot of land in Muslim village of Chikkali Hobli, Soraba Taluk, belonging to the Anjanadevi Temple, I have the honour to forward herewith the records of the Shimoga District, Deputy Commissioner's [illegible] dated 4th February 1930 and to submit as follows.

The facts of the case are briefly as follows. [illegible] Venkata Iyengar, on 1st April 1929 [illegible] and September 1929. The village [illegible] attitude taken by [illegible] Hobli [illegible] Taluk [illegible] Thereupon the Deputy Commissioner [illegible] records dated 4th February 1930.

and this office file D Dis 54/29-3

The records [illegible] with [illegible]

[illegible]

[illegible]

[illegible]

Copy of letter No. Muz. I. C. 852/29-30 dated 24th January 30 from the Deputy Commissioner, Shimoga District to the Muzrai Commissioner in Mysore, Bangalore:

In continuation of this office No. Muz.C.852 of 29-30 dated the 27th November 1929, I have the honour to submit that I inspected Kumbalur Village yesterday and the sites under dispute.

Mr. P. Rachappa, the present Amildar of the Honnali Taluk has submitted a detailed report about Kanas Nos.1 and 2 which, the Shanbhog Giriappa now makes out, to have been encroached upon by Someraya Venkataraya, the person who has now issued notice to Government.

I thoroughly agree with Mr. Rachappa. Kanas Nos. 1 and 2 are not at all the sites alleged to have been encroached upon by Someraya Venkataraya, but they are the sites to the west of the temple and which immediately adjoin it. The Amildar's report, in original, along with the enclosures, site list of 1895-96 and the Khaneshmari accounts are enclosed herewith.

This is a clear case in which a cunning and an unscrupulous Shanbhog, because he is in possession of village accounts, has done mischief to a poor and an ignorant ryot with whom he happened to fall out. Fortunately for the poor ryot, the original site register of 1895-96 happened to be in the Taluk Office and the variations that the Shanbhog has introduced and " Snaras " he has made in the Khaneshmari accounts for the years 1915-16 to 1919-20 are the usual tricks played by a crafty Shanbhogs of this kind.

The walls do not in any way disturb any function connected with the temple. I am fully convinced that the areas walled round neither belong to Government nor to the temple, but that they belong to Someraya Venkataraya,, ~~Someraya~~ Someraya Seenappa and Someraya Thimmappa only.

"Copy"

For Muzrai Commissioner.

[illegible]

[illegible]

[illegible]

[illegible] 19-5-93

[illegible]

[illegible]

[illegible] 1-2

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 2 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 2 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Appendix F G—1

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Mlg

File No. 111 = 28

Serial No. 6

No. 2944/Rev 8

General and Revenue Secretariat

( )

the *192*

To

The Mag. Comm in Mysore

Date of issue 23. 6. 30

Signed by M. T. Somanadhya

Sir,

With reference to the correspondence ending with your letter No C-612/29-3 dated 16. 4. 30 forwarding the entire records from the Dc. Shimoga in regard to the eviction of Someraya Venkatarayappa from a piece land belonging to Sri Anjaneya Swamy temple

over

List of enclosures.....

Copied by.....

Examined by.....

at Kumbalur Village, Honnali
taluk, I am directed to
state that the Dc. Shimoga
may be instructed to proceed
to take action under Sec. 37
of the Rev Code so as
to bring Sec 225 into operation
to oust the jurisdiction of
the Civil Court & report action
taken in the matter may be submitted for the information of Govt.
records are returned herewith. Have etc

20/1/16.
for H. Secy
Gs
18/1

FINANCIAL SECRETARIAT

No. .Dated, Bangalore, 23rd June 1930

From

Rajasevaparayana
B. SRINIVASA IYENGAR, Esq., B. A., B. L.,
Financial Secretary to the Government of His Highness the Maharaja of Mysore.

To

Rajakaryapravina
P.G. D'Souza, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore, Bangalore.

Sir,

With reference to the correspondence ending with your letter No. C.612 of 1929-30 dated the 16th April 1930 forwarding the entire records in regard to the eviction of Someraya Venkatraya from a piece of land belonging to Sri Anjaneyaswamy temple at Kumbalur village, Honnali Taluk, I am directed to state that the Deputy Commissione Shimoga, may be instructed to proceed to take action under under Section 37 of the Revenue Code so as to bring Secti 225 into operation to oust the jurisdiction of the Civil Court. A report of action taken in the matter may be submitted

submitted for the information of Government. The records are returned herewith.

I have the honor to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Financial Department.

Fr 2316

Fair draft.

C.R.G.

No. 612 Office of the Inzrai Commissioner in Bore

Dated Bangalore, 24th December 1930.

From

S. P. Rajagopalacha, B.A.,

Inzrai

To

The Secretary to the Government of His
Highness the Maharaja of Mysore
Financial Department

REVENUE SECRETARIAT
2 JAN 1931
949
MYSORE

Sir,

With reference to your letter No.2944/ Inz.111-29-4 dated the 23rd June 1930, regarding the evacuation of Kuderaya Gowda's piece of land belonging to the Devanjaneyaswami temple at ----- Kudalur village, Somwarpet Taluk, I have the honor to forward herewith for information copy of letter No.Inz.1.C.352/29-30 dated the 1st December 1930 received from the Deputy Commissioner, Mysore District, stating that he has directed the Amildar to report the further action taken in the matter, and that in the meantime no steps called for in records in connection with the defence of the case O.S.No.3/ 30-31 on the file of the District Judge, Mysore, filed by Kudalur and promising a report in the matter in due course.

Copy of the Public Prosecutor's letter and the letter of the Assistant Commissioner to the Deputy Commissioner in which received with the Deputy Commissioner's letter referred to above are herewith submitted for perusal and return.

I have the honor to be,

Sir,

Your most obedient servant,

Yacaraccega Raj

Inzrai Commissioner.

he Dep ty ommissioner, Shimoga District to the Muzrai Commissioner in Mysore.

With reference to your letter No.612/29-30 date 2/4th November 1930, requesting information regarding the action taken to evict Samergya Venkataraya from a piece of land belonging to the Sri Anjaneyaswami temple at Kumbalur village in the Honnali Taluk, I have the honor to submit herewith the report received from the Sub Division Officer stating that the notice was duly served on the party on 29-7-30. The Amildar has been directed to report at once further action taken in the matter. In the meantime, the Amildar was asked to submit the connected records to this office in connection with the defence of the case O.S.3/30-31 on the file of the District Judge, Shimoga, filed by Venkata Rao.

A copy of letter No.221 dated 20th October 1930 from the Public Prosecutor, Shimoga Division, stating that this case was for hearing on 5-11-30 and that the records might be sent to him etc., is herewith enclosed for reference. The case was not heard on 5-11-30. report will be made in due course in the matter.

"C o p y"

Yecaraseega Rao

for Muzrai Commissioner.

dlg

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore 7th January ..... *1931*.

Muz III-29-5

FROM Y. Narasinga Rao. Esq B.A B.L.,
~~Ex-Pr-Dt-Judge-Kolar-Chitaldrug-Coorg-Dist.~~,
Muzrai Commissioner in Mysore.
In Charge.

13 JAN. 1931

To
Rajasevaparayana
B. Srinivasa Iyengar, Esq., B.A., B.L.,
Secretary to Government of His Highness
the Maharaja of Mysore
Financial *Department.*

GENL. & REV. 14 JAN 1931 173 MUZRAI.

SIR,

In continuation of this office letter No.612/29-30 dated the 30th December 1930 I have the honor to forward herewith copy of letter No.Muz.1.C.852/29-30 dated the 23rd December 1930 from the Deputy Commissioner Shimoga District stating that the records connected with the eviction of Sameraya Venkatraya from a piece of land belonging to the Sri Anjaneyaswami temple at Kumbalur, Honnali Taluk have been sent to the Public Prosecutor for preparing a written statement in -- connection with the civil suit instituted by Venkataraya in the District Judge's court and that it would be better to defer taking further action re the demolition of the wall till the Civil Suit is decided.

(405)

Enclosures received with the Deputy Commissioner's letter are herewith sent for kind perusal and return.

I have the honor to be,
Sir,
Your most obedient servant

Y. Narasinga Rao
Muzrai Commissioner.
(In Charge.)

Letter No.Muz.C.852/29-30 dated 23rd December 1930 from the Deputy Commissioner, Shimoga District to the Muzrai Commissioner in Mysore.

Subject:- Eviction of Sameraya Venkataraya from a piece of land belonging to Sri Anjaneyaswami temple at Kumbalur, Honnali Taluk.

In continuation of this office letter No.C.852/29-30 on the above subject, I have the honor to submit herewith the reports of the Amildar, Honnali taluk, received with the Shimoga Sub Division ---- Officer's reports No.R3.C.37-10/30-31 dated 10-12-30 and dated ---- 5-12-30 stating that the wall in question has not been removed, for your information.

The connected records have been sent to the Public Prosecutor, for preparing a written statement in connection with the Civil Suit instituted by Venkataraya in the District Judge's Court.

I think it would be better to defer taking further action re the demolition of the wall till the Civil suit is decided, though under section 37 of the Land Revenue code such obstructions could be caused to be removed by the Deputy Commissioner after giving a month's notice to the party.

"C o p y"

For Muzrai Commissioner.

Proceedings of the Government of His Highness

the Maharaja of Mysore.

Read.-

Correspondence ending with letter No. 612 of 1929-30 dated 12th January 1931 from the Muzrai Commissioner, forwarding copy of letter dated the 23rd December 1930 from the Deputy Commissioner Shimoga District, stating that the records connected with the eviction of Sameraya Venkataraya from a piece of land belonging to the Sri Anjaneyaswami temple at Kumbalur, Honnali Taluk, have been sent to the Public Prosecutor, for preparing a written statement in connection with the Civil suit instituted by Venkataraya in the District Judge's Court and that it would be better to defer taking further action re the demolition of the wall till the Civil suit is decided.

Order No. 1840-41/Encl. on file Emg III-29-6

Dated, Bangalore, the 17th February 1931.

R e c o r d e d

V Subramanyam

for Secretary to Government,

Financial Department.

To

The Muzrai Commissioner with the records.

The Deputy Commissioner, Shimoga District.

Copy to Law Secretariat.

'.R.G.4.

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Correspondence ending with letter dated the 15th of [illegible]
15th January 1931 from the Hon'ble [illegible], to [illegible]
of letter dated the 22nd December 1930 from [illegible]
[illegible] Bhatnagar, electric [illegible]
[illegible] of Electricity Undertakings from a piece of land [illegible]
to the 5th Avenue, [illegible]
been sent to the Public Prosecutor, for [illegible]
ment in connection with [illegible]
the District Judge, [illegible]
for taking further action [illegible]
Civil suit is decided.

Order No. [illegible] dated the 23 III-29

Read, [illegible] the [illegible] Public [illegible].

Read.

[illegible]

To

The Deputy Commissioner, [illegible].
The Munsif Commissioner with [illegible].

Copy to Dam Secretariat.

App. F VI G-2]

CT..... .....

....

....

y No. of letter replied to ..

Sec Secy
File No. III – 29
Serial No. 6

General and Revenue Secretariat

( )

the *192*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue.....20.2.31

Signed by....Asst. V.S. Sastry.....

Read –

Correspondence ending with letter No 612/29-30 of 12/1/31 from the D.C. forwarding copy of letter of 23/12/30 from the A.C. Shimoga stating that the records connected with

~~Order thereon No.~~

the eviction of Sanjeeraya Venkataraya from a piece of land belonging to the Sri Anjaneya Swami Temple at Kumbalur Honnali Tk have been sent with the Public Prosecutor for preparing a written statement in connection

May this be

i Printed?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Until the civil suit instituted by Venkataramaya in the Dt. Munsif's Court and that it would be better to defer taking further action as the decision in the suit will be decided.

order no 3

Recorded.

~~The Board is that action under Rev. Rules should be taken as soon as the decision in the civil suit is given.~~

10.2.3

Yours obdt
servt

10

The M-C with the records
The D.C. Shimoga Dt
The Collr to Dasa Sett.

List of enclosure.

8-8

Copied by

Examined by

WD 079—GPB—8600—10-10 29

F G—1

ECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat
( )
the *193*

Date of issue 10.3.31

Signed by Mr. V. S. Sastry

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No. 1966
Enc. ~~Three~~

To

M.C

Sir.

I am directed to return herewith ~~a copy of the P.S's letter and the~~ enclosures received with your letter No 612/29-30 dt 7-4-1931 ~~as desired, & form a part of the Record~~

Thanks Etc

V.S
6.3.31

For Secy to Govt
Revenue

$S
6/3

[over